

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)
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Michael D. Hooven)
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Serial No.: 10/015,868)
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Filed: December 12, 2001)
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Group Art No.: 3739)
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Confirmation No.: 7290)
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Examiner: Rosiland S. Rollins)
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For: TRANSMURAL ABLATION DEVICE)

RESPONSE TO OFFICE ACTION OF SEPTEMBER 7, 2006

The present application includes pending claims 50-58 with claim 50 being the only independent claim. Claims 1-49 and 59-66 have been previously cancelled.

In the Office Action, claim 57 was rejected under 35 U.S.C. Section 112, first paragraph. Claims 50-56 and 58 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Statutory Invention Registration H1745 to Paraschac in view of U.S. Patent No. 6,071,281 to Burnside or, alternatively, such claims were rejected under Section 103(a) as being unpatentable over U.S. Patent 5,688,270 to Yates in view of Burnside. Claim 57 was rejected under Section 103(a) as being unpatentable over Paraschac and Burnside further combined with one of U.S. Patent Publication 2003/0073991 to Francischelli or U.S. Patent No. 6,096,037 to Mulier. Alternatively, claim 57 was rejected under Section 103(a) as being unpatentable over

Yates and Burnside further combined with Francischelli or with Mulier. In response to the Office Action, it is respectively submitted that independent claim 50 and its respective dependent claims are allowable.

Independent claim 50 is generally directed to a cardiac tissue ablation apparatus. The apparatus comprises first and second jaws which are relatively movable between open and closed positions, respectively, to receive and compress cardiac tissue therebetween. Each jaw has a clamping surface with a width and an elongated electrically conductive member for ablating tissue between the jaws. The conductive members of the jaws are in face-to-face relation and connectible to a bipolar energy power source so as to be of opposite polarity when so connected for providing an electrical current through a selected tissue ablation area that is located between the jaws. Each conductive member has a tissue contacting portion which has a width that is less than the width of the clamping surface of its associated jaw to contact at least a portion of the selected ablation area.

As further recited in claim 50, at least one temperature sensor is disposed to sense the temperature of cardiac tissue at a location that is laterally spaced from the tissue contacting portions of the conductive members such that the temperature sensor can detect undesired thermal spread in the compressed tissue that is located outside of the selected ablation area.

Dependent claims 51-58 depend directly from claim 50 and are directed to additional features of the claimed ablation apparatus.